



Food and Drug Administration
1401 Rockville Pike
Rockville, MD 20852-1448

February 15, 2002

Mr. Tom Clement
BioMerieux, Inc.
100 Akzo Avenue
Durham, NC 27712

Re: BK000042
Product: BacT/ALERT Culture Bottles
Date Received: 03-NOV-00
Classification: II
Device Code: MZC

Dear Mr. Clement:

We have reviewed your Section 510(k) notification of intent to market the device referenced above and we have determined the device is substantially equivalent to legally marketed predicate devices marketed in interstate commerce prior to May 28, 1976, the enactment date of the Medical Device Amendments, or to devices that have been reclassified in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (Act). You may, therefore, market the device, subject to the general controls provisions of the Act including requirements for annual registration, listing of devices, good manufacturing practice, labeling, and prohibitions against misbranding and adulteration.

If your device has been classified into either class II (Special Controls) or class III (Premarket Approval), (see above), it may be subject to the above and additional controls. Existing major regulations affecting your device can be found in the Code of Federal Regulations, Title 21, Parts 800 to 895. In addition, the Food and Drug Administration (FDA) may publish further announcements concerning your device in the Federal Register. Please note that this response to your Premarket notification submission does not affect any obligation you might have under the Radiation Control for Health and Safety Act of 1968, or other Federal Laws or regulations.

This letter will allow you to begin marketing your device as described. An FDA finding of substantial equivalence of your device to a legally marketed predicate device results in a classification for your device and permits your device to proceed to the market, but it does not mean that FDA approves your device. Therefore, you may not promote or in any way represent your device or its labeling as being approved by FDA. If you desire

specific advice on promotional labeling and advertisement for your device, please contact our Advertising and Promotional Labeling Staff (HFM-602) at (301) 827-3028.

Sincerely,

A handwritten signature in cursive script that reads "Hiralal Nakhasi". The signature is written in dark ink and is positioned above a horizontal line.

Hira L. Nakhasi, Ph.D.

Director

Division of Emerging and Transfusion Transmitted
Diseases

Office of Blood Research and Review

Center for Biologics Evaluation and Research